

# **TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

## **MINUTES OF BOARD MEETING**

**JANUARY 8, 2008**

President Stephen Murphy called the meeting to order at 10:05 A.M. in Conference Room 160, Davy Crockett Tower, Nashville, Tennessee.

Board members present were Stephen Murphy, President, David Murphy, Vice President, Dennis Hamilton, Wendy Helling and Paula Bridges. Board members absent were Bob Foster and Ruthie Reynolds.

Staff members present were Robert Gribble, Executive Director, Adrian Chick, Staff Attorney, and Jimmy Gossett, Administrative Assistant.

### **APPROVAL OF MINUTES:**

A motion was made by Mr. David Murphy to approve the minutes of the November 13, 2007, Board Meeting.

Seconded by Ms. Wendy Helling

Adopted by voice vote

### **ADOPTION OF ROBERT'S RULES OF ORDER:**

A motion was made by Mr. David Murphy to adopt Robert's Rules of Order to govern the Board in all cases to which they are applicable and in which they are not inconsistent with statutes and any special rules of order the Board may adopt.

Seconded by Mr. Dennis Hamilton

Adopted by voice vote

### **APPROVAL OF INDIVIDUAL LICENSES:**

Upon motion, based upon the application record, the following individual was approved for licensure.

**Katherine Lee Bell  
Nashville, TN**

**Funeral Director and Embalmer**

### **APPROVAL OF ESTABLISHMENT LICENSES:**

Upon motion, based upon the application records, the following establishments were approved for licensure.

**Changes of Name and Ownership**  
**Stetzer Funeral Home, Inc.**  
**Morristown, TN**

**New Ownership: Corporation**

**Changes of Name and Ownership**  
**Scales & Sons Funeral Home**  
**Murfreesboro, TN**

**New Ownership: Residual Trust**

**Changes of Name and Ownership**  
**Memorial Park Funeral Home and Cemetery**  
**Memphis, TN**

**New Ownership: LLC**

**Change of Ownership**  
**Southwoods Mortuary**  
**Memphis, TN**

**New Ownership: LLC**

**Change of Ownership**  
**Spring Hill Funeral Home & Cemetery**  
**Nashville, TN**

**New Ownership: LLC**

**LEGAL REPORT:**  
**ADRIAN CHICK, STAFF ATTORNEY**

**1. Case No.: L07-FUN-RBS-2007087961**

An inspection on November 6, 2007 revealed the following violations:

- FTC Rules – General Price List lacks required price information for direct cremation with container provided by purchaser.
- FTC Rules – The price range for caskets listed on the General Price List is inconsistent with price of caskets as listed on the Casket Price List.
- FTC Rules – The Casket Price List lacks required information regarding alternative containers.
- FTC Rules – A casket listed under immediate burial does not appear on the Casket Price List.
- FTC Rules – The Outer Burial Container Price List does not have required disclosures and does not match the price range on the General Price List.
- FTC Rules – Statement of Funeral Goods and Services for deceased lists a charge for embalming that is higher than the price listed on the General Price List.

The Respondent submitted revised price lists.

The Respondent has experienced three previous complaints involving similar FTC violations.

**Recommendation: Consent Order assessing civil penalty of \$500 and authorization for hearing.**

A motion was made by Mr. David Murphy to accept Counsel's recommendation and to add cautionary language to Counsel's letter concerning future violations of a similar nature.

Seconded by Mr. Dennis Hamilton

Adopted by voice vote

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**2. Case No.: L07-FUN-RBS-2007089551**

An inspection on December 10, 2007 revealed the following violations:

- FTC Rules – An inspected Statement of Funeral Goods and Services lacked the reason for embalming.
- FTC Rules – An inspected Statement of Funeral Goods and Services revealed that a customer was charged \$300 more for a vault than the price listed on the Outer Burial Container Price List.

The body was embalmed for viewing, but the reason was inadvertently left off. The matter has been addressed with the appropriate funeral director. The overcharge was unintentional and the difference has been refunded to the customer.

Complaint History: One closed

**Recommendation: Consent Order assessing civil penalty of \$350 and authorization for hearing.**

A motion was made by Mr. Dennis Hamilton to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

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**3. Case No.: L07-FUN-RBS-2007086351**

This complaint alleges that the Respondent has engaged in harassing conduct by filing frivolous complaints against him in an effort to destroy him as a competitor. The complaint also alleges that this conduct constitutes immoral behavior and the complainant demands that this Board conduct an investigation of the Respondent and determine whether there are sufficient grounds to revoke his funeral director license.

The Respondent denies the above allegations.

**Legal Comments:** The complaint that the complainant refers to alleges that the Respondent sold preneed funeral merchandise without being registered as a preneed seller.

Complaint History: One previous complaint (filed by the same complainant) closed.

**Recommendation: Dismiss.**

A motion was made by Ms. Wendy Hellum to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

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**4. Case No.: L07-FUN-RBS-2007085371**

An inspection on October 23, 2007 revealed the following violations:

- TCA 62-5-316 – A Statement of Funeral Goods and Services revealed that an unlicensed person met with a family, made arrangements and signed the statement.

Respondent acknowledges that it knew the unlicensed person would make arrangements with the family but believed that it would be permissible considering that all the individual needed to be eligible for reinstatement of his license was taking the law test.

Complaint History: None

**Recommendation: Consent Order assessing civil penalty of \$500 and authorization for hearing.**

A motion was made by Mr. Dennis Hamilton to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

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**5. Case No.: L07-FUN-RBS-2007085411**

The Respondent signed a Statement of Funeral Goods and Services for a family at a time that his funeral director license was invalid.

The Respondent states that he signed the statement out of habit and misunderstanding as to his authority.

**Recommendation: Consent Order assessing civil penalty of \$250 and authorization for hearing.**

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Ms. Wendy Helling

Adopted by voice vote

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**6. Case No.: L07-FUN-RBS-2007085391**

Same complaint as above, but this Respondent is the manager of the establishment.

**Recommendation: Close with Letter of Warning.**

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Ms. Wendy Helling

Adopted by voice vote

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**7. Case No.: L07-FUN-RBS-2007089581**

An inspection on December 11, 2007 revealed the following violations:

- FTC Rules – The prices of six caskets in the selection room are inconsistent with the price listed on the Casket Price List.
- TCA 62-5-107 – A copy of the current license and latest inspection report for the crematory used was not available at time of inspection.

Corrections have been made as necessary so that the caskets in the selection room are consistent with the price listed on the Casket Price List. A copy of the current license and latest inspection report has been received.

Complaint History: One closed.

**Recommendation: Consent order assessing civil penalty of \$350 and authorization for hearing.**

A motion was made by Mr. Dennis Hamilton to accept Counsel's recommendation.

Seconded by Ms. Wendy Helling

Adopted by voice vote

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**8. Case No.: L07-FUN-RBS-2007083741**

An inspection on October 4, 2007 revealed the following violations:

- FTC Rules – The Outer Burial Container Price List does not contain prices, name of establishment, effective date and required disclosure.
- FTC Rules – The General Price List does not list a price for rental casket, and the rental casket is not listed on the Casket Price List.
- FTC Rules – Direct cremation pricing with cardboard alternative container is inconsistent with that listed on the Casket Price List.
- TCA 62-5-107 – The current license and latest inspection report for the crematory used was not available at time of inspection.

Respondent has changed its procedure to comply with TCA 62-5-107 and will update its General Price List to include the price of the rental casket. The Respondent states that he has received conflicting information regarding the Outer Burial Container Price List and the pricing of cardboard alternative containers.

Complaint History: One closed.

**Recommendation: Consent order assessing civil penalty of \$250 for violation of TCA 62-5-107 and letter of caution as to FTC issues.**

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Dennis Hamilton

Adopted by voice vote

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**9. Candidate's Request for Licensure**

This individual took the State Board Examination (Arts Section) on August 8, 2006 and received a score of 70%. He states that he was informed by Thomson

Prometric that the passing score was 70% and requests that the Board accept this score as passing.

**Recommendation: TCA 62-5-306 requires applicants for a funeral director license to pass the examination and requires compliance with all the rules and regulations of the Board. Rule 0660-2-.02 states, "The passing grade for both funeral director and embalmer examinations shall be seventy-five (75%)." Acceptance of this individual's score as passing would be contrary to the above statute and rules, and legal therefore recommends that the request be denied.**

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Dennis Hamilton

Adopted by voice vote

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**10. Case No.: L07-FUN-RBS-2007087921**

An inspection on November 16, 2007 revealed the following violations:

- FTC Rules – Direct cremation price is inconsistent with range on the General Price List.
- FTC Rules – Outer Burial Container Price List lacks required caption and effective date.
- FTC Rules – Outer Burial Container Price List lacks required disclosure language.
- FTC Rules – Three caskets offered in selection room are not listed on the Casket Price List.

Corrections have been made as necessary.

Complaint History: One closed.

**Recommendation: Consent order assessing civil penalty of \$250 and authorization for hearing.**

A motion was made by Mr. Dennis Hamilton to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

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**11. Case No.: L07-FUN-RBS-2007066981**

This complaint was reported by a former employee of the establishment who states that the funeral establishment sold a wooden casket to a family for viewing and cremation but removed the body prior to transport to the crematory; and then resold the same casket to a second family. The establishment, through its manager, denies the allegation and states that the body was delivered to the crematory in the wooden casket. An investigation revealed the following facts:

- The first family contracted with the establishment for an oxford hardwood casket for viewing and cremation.
- The records of the crematory indicate that the body was received on a "cot". The individual who prepared the record verifies that entry is correct.
- The second family contracted for a 20 gauge steel casket, but their father was actually placed and buried in a wooden casket.
- The second family identified photos of the wooden casket as the one their father was buried in.

Complaint History: None

**Recommendation: Consent Order assessing a civil penalty of \$1,000 and authorization for hearing.**

A motion was made by Mr. David Murphy to issue a Consent Order assessing a civil penalty of \$2000 and authorization for hearing.

Seconded by Ms. Paula Bridges

Adopted by voice vote

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**12. Case No.: L07-FUN-RBS-2007067001**

Same as above, but the Respondent is the managing funeral director.

Complaint History: None.

**Recommendation: Consent Order for the voluntary suspension of Respondent's funeral director license for one year and a civil penalty of \$1,000 and authorization for hearing.**

A motion was made by Mr. David Murphy to issue Consent Order for voluntary suspension of Respondent's funeral director license for one year, assessing a civil penalty of \$2000 and authorization for a hearing.

Seconded by Mr. Dennis Hamilton

Adopted by voice vote



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**13. Case No.: L07-FUN-RBS-2007067011**

Same as above, but against the Respondent funeral director's embalmer license.

Complaint History: None.

**Recommendation: Consent Order for the voluntary suspension of Respondent's embalmer license for one year and authorization for hearing.**

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Dennis Hamilton

Adopted by voice vote

**ADMINISTRATIVE MATTERS:  
ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR**

**REPORT OF LICENSES ISSUED NOVEMBER 13, 2007 – JANUARY 7, 2008  
BY EXECUTIVE DIRECTOR AS PER BOARD AUTHORITY**

**Establishments**

Huntsville Memorial Funeral Chapel 3096 Baker Highway Huntsville, TN	New Establishment
Covenant Funeral & Cremation Service 4340 Bonny Oaks Drive Chattanooga, TN	Changes of Name and Location
Cross-Smith Funeral Home, Inc. 300 East Central Avenue LaFollette, TN	Change of Name

**Individuals**

Traci Michele Reed Tullahoma, TN	Funeral Director / Embalmer
Madeline Elizabeth Lyles Memphis, TN	Funeral Director / Embalmer
Crystal Morgan Beauregard Memphis, TN	Funeral Director / Embalmer Re-application

Linda Lucille Parton  
Lenoir City, TN

Funeral Director

Ronnie William Buggs, II  
Cordova, TN

Funeral Director

Debbie Diane Butler  
Covington, TN

Funeral Director

**CLOSED ESTABLISHMENT REPORT:**

Two establishments have closed since the last board meeting:

- **Hall's Funeral Services, 107 East Cedar Street, Livingston**
- **Rickman-Hall Funeral Home, LLC, 3511 Rickman Road, Rickman**

**DISCIPLINARY ACTION REPORT:**

**The Board has previously authorized these consent orders and civil penalties. The Consent Orders have been signed and the civil penalties paid by the respondents. The Executive Director requests the Board's acceptance of the following consent orders.**

Complaint No. 2007075161  
Violation: FTC Rules  
Action: \$250 Civil Penalty

Complaint No. 2007069821  
Violation: Aiding and abetting an unlicensed person to practice within the funeral profession  
Action: \$1,000 Civil Penalty

Complaint No. 2007082181  
Violation: FTC Rules  
Action: \$250 Civil Penalty

Complaint No. 2007081471  
Violation: FTC Rules and cremation authorization forms lacked either the address or telephone number of the crematory that the funeral home uses  
Action: \$350 Civil Penalty

Complaint No. 2007071551

Violation: Cremation authorization forms failed to contain statutorily required information and failed to notify the Board of a change in the licensed funeral director in charge of the establishment

Action: \$375 Civil Penalty

Complaint No. 2007054211

Violation: Numerous FTC Rules

Action: \$500 Civil Penalty

Complaint No. 2007081401

Violation: Numerous FTC Rules and failure to maintain a copy of current license and latest inspection report for the crematory that the funeral home uses

Action: \$500 Civil Penalty

Complaint No. 2007071321

Violation: Engaging in conduct that constitutes funeral directing within the state without a Tennessee licensed funeral director present and in charge of the services

Action: \$500 Civil Penalty

Complaint No. 2007071591

Violation: FTC Rules, cremation authorization forms failed to contain statutorily required information and failure to maintain a copy of current license and latest inspection report for the crematory that the funeral home uses

Action: \$500 Civil Penalty

Complaint No. 2007081421

Violation: FTC Rules

Action: \$250 Civil Penalty

Complaint No. 2007075381

Violation: Numerous FTC Rules and current license of an embalmer was not available for inspection

Action: \$750 Civil Penalty

Complaint No. 2007069771

Violation: Cremated human remains lacked a permanent identification device

Action: \$500 Civil Penalty

Complaint No. 2007048121

Violation: The establishment did not have a General Price List, Casket Price List or Outer burial Container Price List that complied with the FTC Rules

Action: \$500 Civil Penalty

Complaint No: 2007069811

Violation: Aiding and abetting an unlicensed person to practice within the funeral profession

Action: \$1,000 Civil Penalty

A motion was made by Ms. Wendy Hellum to approve the Executive Director's request for the Board's acceptance of the above listed Consent Orders.

Seconded by Mr. Dennis Hamilton

Adopted by voice vote

**OPEN COMPLAINT REPORT:**

As of January 4, 2008, there were 96 open complaints.

**INTRODUCTION OF BOARD MEMBER:**

Ms. Paula Bridges was introduced as the newest appointee to the board. Ms. Bridges is an industry member representing East Tennessee.

**ADJOURN:**

A motion was made by Mr. David Murphy to adjourn.

Seconded by Ms. Wendy Hellum

Adopted by voice vote

With no further business, the meeting was adjourned by President Stephen Murphy at 11:12 A.M.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director